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June 3, 2003

**VIA HAND DELIVERY**

**RECEIVED**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

JUN - 3 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Written *Ex Parte*  
**MB Docket No. 02-277 and MM Docket Nos. 01-235, 01-317 and 00-244**  
**2002 Biennial Regulatory Review of the Commission's Broadcast Ownership**  
**Rules and Other Rules**

Dear Ms. Dortch:

On May 29, 2003, Mr. Alexander Netchvolodoff, Senior Vice President of Public Policy for Cox Enterprises, Inc. ("Cox"), filed a written *ex parte* submission in the above-referenced proceeding which attached, as Appendix B, a copy of an engineering analysis prepared and signed by Denny & Associates, P.C.. Please find attached to this letter the signed original of that engineering analysis for submission into the record.

Also on May 29, 2003, the undersigned submitted a letter in the above-referenced proceeding stating that two meetings had occurred on April 29, 2003, between Commissioner Kathleen Abernathy, Commissioner Jonathan Adelstein, their respective legal advisors Ms. Stacy Robinson and Ms. Johanna Mikes, and Mr. Netchvolodoff, Ms. Alexandra Wilson (Vice President of Public Policy for Cox) and the undersigned. The correct date for those two meetings was May 29, 2003.

Pursuant to Section 1.1206(b) of the Commission's rules, an original and one copy of this letter are being submitted to the Secretary's office for the above-captioned docket. Should there be any questions regarding this filing, please contact the undersigned.

Respectfully submitted,



To-Quyen Truong

cc: Qualex International (2 copies)

DENNY & ASSOCIATES, P.C.  
CONSULTING ENGINEERS  
OXON HILL, MARYLAND

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ENGINEERING EXHIBIT  
MEDIA BUREAU DOCKET NO. 02-277  
COX BROADCASTING

ENGINEERING STATEMENT

This engineering statement has been prepared on behalf of Cox Broadcasting (Cox). We have reviewed the *ex parte* filing of the Fox Entertainment Group, Inc. and Fox Television Stations, Inc., National Broadcasting Company, Inc., and Telemundo Communications Group, Inc., and Viacom ("the Joint Networks") of May 20, 2003, with particular attention to the document entitled "The UHF Discount." In support of its discussion, three attachments are included that compare the area enclosed by the Grade B contour of a VHF TV station with the area enclosed by a related UHF TV station. The area-based coverage studies submitted by the Joint Networks do not consider the critically important metric of population served. The size of a TV station's Grade B contour is a measure of the extent of coverage, and the location of the Grade B contour identifies the geographic area with which the TV station is associated. However, coverage, in audience measurement terms, is the ability of a TV household to view a TV station. The population

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Engineering Exhibit  
Cox Broadcasting

Page 2

predicted to receive an interference-free Grade B or better signal from a TV station is a far better predictor of coverage than the area enclosed by that station's Grade B contour.

The Joint Networks' Attachments A, B, and C compare areas within the conventional Grade B contours, which were not adjusted as they should have been to exclude large bodies of water. Figures 1 through 3 of this engineering exhibit restate the Joint Networks' Attachments A, B, and C in terms of population predicted to receive interference-free Grade B or better signal strength.<sup>1</sup> The same UHF TV stations that the Joint Networks say will reach 56 to 61 percent of the coverage area reached by the related VHF TV stations are predicted to provide interference-free Grade B or better signal strength to between 87.1 percent and 94.7 percent of the populations served by the related VHF TV stations. Although the Joint Networks did not present information related to the ABC TV stations, Figure 4 of this engineering exhibit presents population data showing that UHF TV stations in the markets where ABC owns and operates VHF TV stations provide

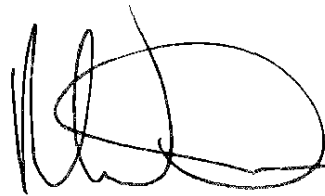
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<sup>1</sup> The population data used in Figures 1 through 4 of this engineering exhibit were obtained from Appendix B, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd 7418 (1998).

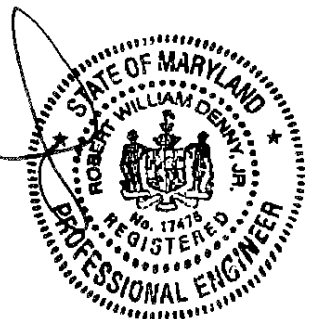
interference-free Grade B or better signal strength to 95.5 percent of the population served by the ABC TV stations. A similar study was prepared comparing the populations receiving interference-free Grade B or better signal strength from the Cox owned VHF TV stations to the populations receiving interference-free Grade B or better signal strength from UHF TV stations in each Cox market.<sup>2</sup> That study may be found following Figure 4 of this engineering exhibit.

CERTIFICATION

I certify under penalty of perjury that the foregoing is true and correct. Executed on May 29, 2003.



Robert W. Denny, Jr., P.E.



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<sup>2</sup> An exception was made in El Paso, where Cox owns KFOX-TV, channel 14. In this market, the Cox UHF TV station was compared to VHF TV station KDBC-TV, channel 4.

**ENGINEERING EXHIBIT  
MEDIA BUREAU DOCKET NO. 02-277  
COX BROADCASTING**

**VHF-UHF INTERFERENCE-FREE GRADE B SIGNAL STRENGTH  
COMPARISON OF POPULATION SERVED**

**NBC/TELEMUNDO SAME-MARKET STATIONS**

| <u>Market</u> | <u>VHF Station/<br/>Channel</u> | <u>NTSC<br/>Current<br/>Service<br/>Population</u> | <u>UHF Station/<br/>Channel</u> | <u>NTSC<br/>Current<br/>Service<br/>Population</u> | <u>UHF Pop./<br/>VHF Pop.</u> |
|---------------|---------------------------------|--|---------------------------------|--|-------------------------------|
| New York      | WNBC/4                          | 17,182,000   | WNJU/47                         | 16,110,000   | 93.7%                         |
| Los Angeles   | KNBC/4                          | 14,262,000   | KVEA/52                         | 12,070,000*  | 84.6%                         |
|               |                                 |  | KHWY/22                         | 12,151,000   | 85.2%                         |
| Chicago       | WMAQ/5                          | 8,322,000  | WSNS/44                         | 8,189,000  | 98.4%                         |
| Dallas        | KXAS/5                          | 4,227,000  | KXTX/39                         | 4,095,000  | 96.9%                         |
| Miami         | WTVJ/6                          | 2,793,000  | WSCV/51                         | 3,627,000  | 129.9%                        |
| San Francisco | KNTV/11                         | 4,933,000  | KSTS/48                         | 4,803,000  | 97.4%                         |
| TOTAL         |                                 | 51,719,000   |                                 | 48,975,000   | 94.7%                         |
| AVERAGE       |                                 | 8,619,833  |                                 | 8,162,500  | 94.7%                         |

\*Not included in total or average to avoid double count in market.

Note: Population data obtained from Appendix B, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd 7418 (1998).

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**VHF-UHF INTERFERENCE-FREE GRADE B SIGNAL STRENGTH  
COMPARISON OF POPULATION SERVED**

**CBS SAME-MARKET STATIONS**

| <u>Market</u> | <u>VHF Station/<br/>Channel</u> | <u>NTSC<br/>Current<br/>Service<br/>Population</u> | <u>UHF Station/<br/>Channel</u> | <u>NTSC<br/>Current<br/>Service<br/>Population</u> | <u>UHF Pop./<br/>VHF Pop.</u> |
|---------------|---------------------------------|--|---------------------------------|--|-------------------------------|
| Philadelphia  | KYW-TV/3                        | 7,578,000  | WPSG-TV/57                      | 6,210,000  | 81.9%                         |
| San Francisco | KPIX-TV/5                       | 5,968,000  | KBHK-TV/44                      | 4,859,000  | 81.4%                         |
| Boston        | WBZ-TV/4                        | 6,716,000  | WSBK-TV/38                      | 6,037,000  | 89.9%                         |
| Dallas        | KTVT/11                         | 4,150,000  | KTXA/21                         | 4,053,000  | 97.7%                         |
| Miami         | WFOR-TV/4                       | 4,013,000  | WBFS-TV/33                      | 3,598,000  | 89.7%                         |
| TOTAL         |                                 | 28,426,000   |                                 | 24,757,000   | 87.1%                         |
| AVERAGE       |                                 | 5,685,200  |                                 | 4,951,400  | 87.1%                         |

Note: Population data obtained from Appendix B, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd 7418 (1998).

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COX BROADCASTING**

**VHF-UHF INTERFERENCE-FREE GRADE B SIGNAL STRENGTH  
COMPARISON OF POPULATION SERVED**

**FOX SAME-MARKET STATIONS**

| <u>Market</u>     | <u>VHF Station/<br/>Channel</u> | <u>NTSC<br/>Current<br/>Service<br/>Population</u> | <u>UHF Station/<br/>Channel</u> | <u>NTSC<br/>Current<br/>Service<br/>Population</u> | <u>UHF Pop./<br/>VHF Pop.</u> |
|-------------------|---------------------------------|--|---------------------------------|--|-------------------------------|
| Minneapolis       | KMSP/9                          | 2,798,000  | WFTC/29                         | 2,662,000  | 95.1%                         |
| Washington,<br>DC | WTTG/5                          | 6,533,000  | WDCA/20                         | 5,746,000  | 88.0%                         |
| Phoenix           | KSAZ/10                         | 2,216,000  | KUTP/45                         | 2,202,000  | 99.4%                         |
| Dallas            | KDFW/4                          | 4,278,000  | KDFI/27                         | 4,058,000  | 94.9%                         |
| TOTAL             |                                 | 15,825,000   |                                 | 14,668,000   | 92.7%                         |
| AVERAGE           |                                 | 3,956,250  |                                 | 3,667,000  | 92.7%                         |

Note: Population data obtained from Appendix B, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd 7418 (1998).

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**VHF-UHF INTERFERENCE-FREE GRADE B SIGNAL STRENGTH  
COMPARISON OF POPULATION SERVED**

**ABC O&O STATIONS  
TO COMPARABLE UHF STATIONS IN MARKET**

| <u>Market</u>      | <u>VHF Station/<br/>Channel</u> | <u>NTSC<br/>Current<br/>Service<br/>Population</u> | <u>UHF Station/<br/>Channel</u> | <u>NTSC<br/>Current<br/>Service<br/>Population</u> | <u>UHF Pop./<br/>VHF Pop.</u> |
|--------------------|---------------------------------|--|---------------------------------|--|-------------------------------|
| Los Angeles        | KABC/7                          | 13,555,000   | KMEX/34                         | 12,247,000   | 83.0%                         |
| Fresno             | No VHF in<br>Market             | NA   | KFSN/30                         | 1,130,000**  | NA                            |
| San Francisco      | KGO/7                           | 5,866,000  | KDTV/14                         | 5,313,000  | 90.6%                         |
| Houston            | KTRK/13                         | 3,870,000  | KTBU/55                         | 3,838,000  | 99.2%                         |
| New York           | WABC/7                          | 17,189,000   | WPXN/31                         | 16,434,000   | 95.6%                         |
| Flint              | WJRT/12                         | 1,807,000  | WEYI/25                         | 1,838,000  | 101.7%                        |
| Chicago            | WLS/7                           | 8,361,000  | WFLD/32                         | 8,322,000  | 99.5%                         |
| Philadelphia       | WPVI/6                          | 7,747,000  | WTXF/29                         | 7,499,000  | 97.8%                         |
| Raleigh/<br>Durham | WTVD/11                         | 2,109,000  | WKFT/40                         | 2,229,000  | 105.7%                        |
| Toledo             | WTVG/13                         | 2,293,000  | WNWO/24                         | 2,257,000  | 98.4%                         |
| TOTAL              |                                 | 62,797,000   |                                 | 59,977,000   | 95.5%                         |
| AVERAGE            |                                 | 6,977,444  |                                 | 6,664,111  | 95.5%                         |

\*\*Not included in total or average because there is no VHF station in the market.

Note: Population data obtained from Appendix B, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd 7418 (1998).



**COMPARISON OF POPULATIONS WITHIN  
VHF AND UHF TELEVISION SERVICE AREAS  
COX BROADCASTING MARKETS**

Market (Rank)

Call sign, City, State  
Channel, ERP<sup>ii</sup>, HAAT<sup>iii</sup>

Population<sup>i</sup>

San Francisco-Oakland-San Jose, California (5)

KTVU(TV), Oakland, CA 5,970,000

Ch. 2+, 100 kW, 479 m.

KICU-TV, San Jose, California 5,063,000

Ch. 36z, 4070 kW (Max-DA, BT)<sup>iv</sup>, 686 m. (84.8 % of KTVU)

Atlanta, Georgia (9)

WSB-TV, Atlanta, Georgia 3,391,000

Ch. 2z, 100 kW, 316 m.

WATL(TV), Atlanta, Georgia 3,076,000

Ch. 36z, 2690 kW (Max-BT), 313 m. (90.7% of WSB-TV)

Seattle-Tacoma, Washington (12)

KIRO-TV, Seattle, Washington 3,015,000

Ch. 7z, 316 kW, 250 m.

KWOG(TV), Bellevue, Washington 2,949,000

Ch. 51+, 3800 kW (Max-DA, BT), 719 m. (97.8% of KIRO-TV)

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Comparison of Populations Within  
VHF and UHF Television Service Areas  
Cox Broadcasting Markets

Page 2

Orlando-Daytona Beach-Melbourne, Florida (20)

|                                       |                 |
|---------------------------------------|-----------------|
| WFTV(TV), Orlando, Florida            | 2,183,000       |
| Ch. 9z, 316 kW (Max-BT), 479 m.       |                 |
| WRDQ(TV), Orlando, Florida            | 3,043,000       |
| Ch. 27z, 5000 kW (Max-DA, BT), 569 m. | (139% of WFTV)  |
| WKCF(TV), Clermont, Florida           | 2,101,000       |
| Ch. 18-, 5000 kW (Max-DA, BT), 513 m. | (96.2% of WFTV) |

Pittsburg, Pennsylvania (21)

|                                   |                 |
|-----------------------------------|-----------------|
| WPXI(TV), Pittsburg, Pennsylvania | 3,090,000       |
| Ch. 11z, 316 kW (Max-BT), 305 m.  |                 |
| WPGH-TV, Pittsburgh, Pennsylvania | 2,729,000       |
| Ch. 53+, 2340 kW (Max-BT), 308 m. | (88.3% of WPXI) |

Charlotte, North Carolina (27)

|                                    |                   |
|------------------------------------|-------------------|
| WSOC-TV, Charlotte, North Carolina | 1,859,000         |
| Ch. 9+, 316 kW (Max-BT), 364 m.    |                   |
| WCNC-TV, Charlotte, North Carolina | 2,289,000         |
| Ch. 36z, 5000 kW (Max-BT), 595 m.  | (123% of WSOC-TV) |

Dayton, Ohio (60)

|                                   |                    |
|-----------------------------------|--------------------|
| WHIO-TV, Dayton, Ohio             | 3,069,000          |
| Ch. 7+, 200 kW (Max-BT), 348 m.   |                    |
| WKEF(TV), Dayton, OH              | 2,774,000          |
| Ch. 22+, 2340 kW (Max-BT), 351 m. | (90.4% of WHIO-TV) |

Johnstown-Altoona, Pennsylvania (96)

|                                   |                    |
|-----------------------------------|--------------------|
| WJAC-TV, Johnstown, Pennsylvania  | 2,648,000          |
| Ch. 6z, 70.8 kW, 341 m.           |                    |
| WKBS-TV, Altoona, Pennsylvania    | 530,000            |
| Ch. 47z, 1510 kW (Max-BT), 308 m. | (20.0% of WJAC-TV) |

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Comparison of Populations Within  
VHF and UHF Television Service Areas  
Cox Broadcasting Markets

Page 3

El Paso, Texas (101)

KFOX-TV, El Paso, Texas 720,000  
Ch. 14z, 398 kW, 604 m. (99.7% of KDBC-TV)

KDBC-TV, El Paso, Texas 722,000  
Ch. 4z, 100 kW, 475 m.

Reno, Nevada (110)

KRXI-TV, Reno, Nevada 392,000  
Ch. 11z, 178 kW (Max-BT), 854 m.

KREN-TV, Reno, Nevada 387,000  
Ch. 27+, 1820 kW (Max-DA, BT), 891 m. (98.7% of KRXI-TV)

Wheeling, West Virginia-Steubenville, Ohio (150)

WTOV-TV, Steubenville, Ohio 2,862,000  
Ch. 9+, 316 kW, 290 m.

No commercial UHF TV station in market

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<sup>i</sup> Population data obtained from Appendix B, DTV Table of Allotments, *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, in MM Docket No. 87-268 for existing NTSC current service.

<sup>ii</sup> Effective radiated power (ERP).

<sup>iii</sup> Antenna radiation center height above average terrain (HAAT).

<sup>iv</sup> The abbreviation "DA" indicates that a directional antenna is used and that the specified ERP is the maximum achieved in any direction (Max-DA). The abbreviation "BT" indicates that beam tilt is incorporated into the antenna design so that maximum power may be radiated at some angle below or above the horizontal plane of the antenna centerline (Max-BT) rather than solely at the horizontal plane. A directional antenna with beam tilt would be designated "Max-DA, BT."